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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,086	07/27/2001	Thorsten Dirks	3457-66PUS	2723

7590 09/03/2003

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EXAMINER

STEPHENSON, DANIEL P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,086

Applicant(s)

DIRKS ET AL.

Examiner

Daniel P Stephenson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-52 and 58-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39,40,42-45,51,52 and 58-63 is/are allowed.
- 6) ☒ Claim(s) 31-38,41 and 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 36-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 36 claims dependency from claim 1 which was previously cancelled. For purposes of examination claim 36 is assumed to be dependant from claim 31.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 31, 32, 34 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Haberer. Haberer discloses a drilling machine that has a base (11) located upon a live ring (13), a top drive (20), a guide (18), and a gripper (32). The top drive is movable co directionally with the longitudinal axis of the base on said guide. In addition the gripper is able to move perpendicular to the axis of the base. The base is movable along said live ring. Means for turning, i.e. pivoting, the base along the live ring are inferred from the figures. The top drive is rotatable about an axis parallel to the base longitudinal axis.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 31-35, 41 and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over the EPO document '210 to Willis in view of Dysarz. EPO '210 discloses a drilling machine that has a base, a crown block, a top drive, a guide, and a gripper. The top drive is movable co directionally with the longitudinal axis of the base on said guide. In addition the gripper is able to move perpendicular to the axis of the base. The base is movable along a skid. Means for pivoting the base are provided. A pipe-handling device is provided in proximity with the base. EPO '210 does not disclose that the rig is mounted upon a live ring nor does it disclose that the base is able to move on said live ring. In addition it does not disclose that there is a guide through the live ring to guide a tubular. Dysarz discloses a rig in which a standard drilling apparatus is mounted on a skid rails, which are broadly interpreted as a "live ring" since it allows motion to be placed upon the rig in a rotational manner, so that it may be adjusted as needed. There is a guide hole (52) located at the base of the drill string to guide anything going through the rig. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the rig of EPO '210 with the ring and guide hole of Dysarz. This would be done so that the derrick could be easily moved so that multiple drilling locations could be utilized. Neither EPO '210 nor Dysarz discloses that there is a drum carried on the base of the rig for storage, nor do they disclose that two rigs are to be used on the same platform.

With regards to claim 47, it is notoriously conventional in the drilling art to provide containers on the drilling rig for any necessary material. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place a drum on the base of the apparatus of EPO '210 in view of Dysarz for storage of materials. This would be done so that operators of the rig would be able to locate equipment fast and easily.

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With regards to claims 48-50, it is held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.* 193 USPQ 8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use two of the rigs of EPO '210 in view of Dysarz working over the same hole. This would be done to speed the operation being performed and decrease down time in case of failure.

6. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over EPO '210 in view of Dysarz as applied to claim 31 above, and further in view of Hashimoto. EPO '210 in view of Dysarz shows all the limitations of the claimed invention, except, EPO '210 in view of Dysarz does not show that there is a winch and a return roller provided on the frame for lifting the frame pivotally. Nor do they show that the motor to drive this winch is electric with a transmission. Hashimoto provides a derrick that is raised through the use of a winch and roller with an electric motor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the winch and motor of Hashimoto with the rig of EPO '210 in view of Dysarz. This would be done so that there was an alternative form of pivoting the frame if hydraulic lifting were for some reason undesirable.

Allowable Subject Matter

7. Claims 39, 40, 42-45, 51, 52 and 58-63 allowed.

Response to Arguments

8. It is noted that the 112 rejection made in the last office action, and re-stated in this office action, was addressed by the applicant. However, in looking at the amended claims section of the applicant's amendment, the change indicated by the response is not to be found in the

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amended claims, i.e. the change in dependency for claim 36 to depend off of claim 31 instead of cancelled claim 1.

9. It is noted that the official notice with regard to claim 47 was not traversed in the last action from the applicant therefore it is now regarded as prior art in this and any future action.

10. Applicant's arguments filed 6/3/03 have been fully considered but they are not persuasive.

11. It is the assertion of the applicant on page 12 of the action submitted the Haberer, "fails to disclose a base for a drilling machine having a guide for guiding the top drive along a longitudinal axis of the base and having a foot connected to a live ring". Examiner traverses this statement on two fronts. First in claim 31 it states, "a drilling machine for exploratory and productive wells, comprising: a base; a top drive; a guide for guiding a movement of the top drive co directionally with a longitudinal axis of said base; a gripper for at least one of gripping and guiding a drilling pipe, said gripper being movable perpendicular to the base axis; and a live ring connected to the base at a foot of said base." Nowhere in this claim does it state that the base is connected to the guide for the top drive, i.e. they are listed as separate elements. Even if this were included, however, Haberer would still anticipate the claim since Haberer does indeed have a connection between the base and the guide, and the base has a foot with a live ring attached to it.

12. It is the assertion of the applicant on page 12 of the action provided that Dysarz fails to teach that there is a "foot of a base mounted to a live ring" as recited by claims 31 and 48. Examiner takes exception to this assertion. The live ring claimed in the present invention is not claimed in any structural form, and the examiner broadly reads the skid rails of Dysarz as a live

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ring since they enable a rotational force to be placed on the rig. Therefore, in the opinion of the examiner, Dysarz does disclose a drilling machine in which the foot of a base is attached to a live ring.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P Stephenson whose telephone number is (703) 605-4969. The examiner can normally be reached on 8:30 - 5:00 M-F.

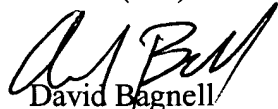
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1020.



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS *DP5*